IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10021 OF 2004

Senior Superintendent of
Post Offices & Anr. ... Petitioners

V/s.

Shankar Baburao Ghamare ... Respondent

Mr.Suresh Kumar for Petitioners

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **MARCH 28, 2005**

P.C.:

. The Tribunal by the impugned award granted reinstatement to the workman n his previous post and continuity of service and backwages. The Petitioner contends that the respondent-workman was employed on an ad-hoc basis and therefore, no reinstatement could have been granted, although he had completed 240 days in service. The Labour Court while deciding the Reference has granted reinstatement without deciding the issue of permanency. Had the Labour Court decided the issue regarding permanency, it would have travelled beyond the scope of the Reference which was made under section 10(1)(d) r/w section 2(A) of the Industrial Disputes Act. Admittedly the Petitioners had not complied with the provisions of section 25F of the Industrial Disputes Act. The conditions precedent contained in the

provisions of section 25F must be complied with while terminating the services of a workman who has worked for 240 days. In these circumstances, the Labour Court cannot be faulted for granting reinstatement to the workman in his previous post with continuity of service.

2. As regards backwages, the Labour Court has found that the Respondent-workman had deposed that he was doing miscellaneous labour work as and when available and that he was not having agricultural income. The respondent has denied any suggestion that he was gainfully employed. The Petitioner has not led any evidence to the contrary.

3. I see no reason to interfere with the Award of the Tribunal. Hence, Petition is rejected.